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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,936	04/16/2001	Mark Vange	CIRC017	5614
25235	7590	05/25/2005	EXAMINER	
HOGAN & HARTSON LLP ONE TABOR CENTER, SUITE 1500 1200 SEVENTEENTH ST DENVER, CO 80202			NEURAUTER, GEORGE C	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/835,936

Applicant(s)

VANGE, MARK

Examiner

George C. Neurauter, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claims 1-17 are currently presented and have been examined.

Response to Arguments

Applicant's arguments filed 28 February 2005 have been fully considered but they are not persuasive.

The Applicant argues that Ebata does not teach or suggest a web server within the intermediary server, formatting data obtained into a web page that is responsive to a web access request, and generating and delivering a web page by the intermediary server that contains content obtained from a data server. Ebata discloses:

"The proxy server has a function of relaying a client's access to the resource or the data of...the WWW, for example. The client just communicates with only the proxy server without direct communications with the server on the WAN side." (column 2, lines 12-14)

"...[T]he proxy server may operate to temporarily cache the resource or the data referenced once by itself in a storage medium...and give back the data temporarily cached in the disk to the clients on the LAN side who have issued the referring requests without having to access the server on the WAN side...the proxy server provided with this type of function is referred to as a proxy cache server." (column 2, lines 40-41)

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Given the Examiner's broadest reasonable interpretation of the claims as required by MPEP 2111 and the disclosures of Ebata, Ebata discloses that the intermediary server or "proxy cache server" which contains a web server or "a function of relaying a client's access to the resource or the data of the...WWW" and formatting data obtained into a web page that is responsive to a web access request and generating and delivering a web page by the intermediary server that contains content obtained from a data server or "the proxy server may operate to temporarily cache the resource or the data referenced once by itself in a storage medium...and give back the data temporarily cached in the disk to the clients on the LAN side who have issued the referring requests without having to access the server on the WAN side".

Therefore, Ebata does disclose the limitations of the claims given the claim's broadest reasonable interpretation and the claims are not in condition for allowance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6 513 061 B1 to Ebata et al.

Regarding claim 1, Ebata discloses a web server system comprising:

a plurality of client applications coupled to a communication network and generating web access requests; (column 2, lines 21-59, specifically lines 25-32)

an intermediary server ("proxy cache server") coupled to the communication network to receive the web access requests; (column 2, lines 21-59, specifically lines 29-32)

a data storage mechanism ("server on the WAN side" or "resource") coupled to the network and having an interface for communicating with the intermediary server; (column 2, lines 21-59, specifically lines 29-32)

means within the intermediary server responsive to a received web access request for establishing a channel with the

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data storage mechanism to obtain data from the data storage mechanism in response to a received web access request (column 2, lines 21-59, specifically lines 29-32); and

a web server within the intermediary server for formatting the obtained data into a web page that responsive to a particular web access request. (column 2, lines 21-59, specifically lines 33-41)

Regarding claim 2, Ebata discloses the web server system of claim 1 wherein at least one of the client applications comprises a web browser application and the web access requests comprise HTTP requests. (column 2, lines 12-14 and 33-41)

Regarding claim 3, Ebata discloses the web server system of claim 1 wherein the intermediary server comprises a web server having a first interface for receiving the web access requests and a second interface operable communicate with the data storage mechanism interface. (column 2, lines 21-59, specifically lines 29-32)

Regarding claim 4, Ebata discloses the web server system of claim 3 wherein the intermediary server is topologically close to the client applications and topologically distant from data storage mechanism. (column 1, lines 44-57; column 2, lines 33-41)

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Regarding claim 5, Ebata discloses the web server system of claim 1 wherein the intermediary server comprises:

a front-end computer (Figure 1, element 2) located topologically close to the client application and configured to receive the web access requests (column 2, lines 21-59, specifically lines 29-32; column 6, lines 50-65, specifically lines 61-65)

a back-end computer (Figure 1, element 7) located topologically close to the data storage mechanism and configured to communicate with the interface of the data storage mechanism (column 2, lines 21-59, specifically lines 29-32; column 6, lines 50-65, specifically 61-65); and

a communication channel ("WAN"; Figure 1, element 10) between the front-end and back-end computers (column 6, lines 50-65, specifically line 50).

Regarding claim 6, Ebata discloses the web server system of claim 5 further comprising a web server implemented within the front-end computer. (column 1, lines 44-57; column 2, lines 21-59, specifically lines 29-32; column 6, lines 50-65, specifically 61-65)

Regarding claim 7, Ebata discloses the web server system of claim 1 wherein the data storage mechanism further comprises:

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a database operative to return selected database contents in response to queries; instruction processor operative to generate queries against the database and receive data returned by the database. (column 2, lines 21-59, specifically lines 29-32)

Regarding claim 8, Ebata discloses the web server of claim 7 further comprising:

means within the intermediary server (Figure 3, element 24) for generating a remote procedure call directed to the data storage mechanism; and means within the instruction processor (Figure 2, element 13) for executing the remote procedure call to generate a query against the database in response to receiving the remote procedure. (column 8, lines 28-62, specifically lines 39-40; column 14, lines 7-12; column 16, lines 5-9)

Regarding claim 9, Ebata discloses the web server system of claim 7 further comprising means within the instruction processor (Figure 2, element 13) generating a remote procedure call directed to the intermediary server; and means within the intermediary server (Figure 3, element 24) for executing the remote procedure call to generate web page responsive to a particular web access request. (Figure 3, element 24; column 8,

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lines 28-62, specifically lines 39-40; column 14, lines 7-12;
column 16, lines 5-9)

Regarding claim 10, Ebata discloses the web server system
of claim 1 further comprising:

a resolver mechanism ("dynamic DNS server") for supplying a
network address of the intermediary server to the client
applications, wherein the resolver mechanism dynamically selects
a particular intermediary server from amongst a plurality of
intermediary servers. (column 4, lines 34-56, specifically lines
49-56)

Regarding claim 11, Ebata discloses a method for serving
web-based content comprising:

providing a communication network; ("WAN")

generating requests for web content using a plurality of
client applications coupled to the network; (column 2, lines 21-
59, specifically lines 25-32)

providing an intermediary server ("proxy cache server")
coupled to the network to receive the requests for web content
from client applications; (column 2, lines 21-59, specifically
lines 29-32)

providing a data server ("server on the WAN" or "resource")
coupled to the network and having an interface for communicating

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with the intermediary server; (column 2, lines 21-59, specifically lines 29-32)

causing the intermediary server to access the data server in response to receiving a request from a client application; (column 2, lines 21-59, specifically lines 29-32)

using the intermediary server, generating a web page using the database content obtained from the data server; and delivering the web page to the client application that generated the request for database content. (column 2, lines 21-59, specifically lines 33-41)

Regarding claim 12, Ebata discloses the method of claim 11 wherein generating requests for web content comprises generating an HTTP request. (column 2, lines 12-14 and 33-41)

Regarding claim 13, Ebata discloses the method of claim 11 wherein the intermediary server is topologically close to the client applications and topologically distant from the data storage mechanism. (column 1, lines 44-57; column 2, lines 33-41)

Regarding claim 14, Ebata discloses the method of claim 11 wherein the step of providing an intermediary server comprises:

providing a front-end computer (Figure 1, element 2) located topologically close to the client application and configured to receive the requests for web content; (column 2,

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lines 21-59, specifically lines 29-32; column 6, lines 50-65, specifically lines 61-65)

providing a back-end computer (Figure 1, element 7) located topologically close to the data storage mechanism and configure to communicate with the interface of the data storage mechanism (column 2, lines 21-59, specifically lines 29-32; column 6, lines 50-65, specifically 61-65); and

maintaining a communication channel ("WAN"; Figure 1, element 10) between the front-end and the back-end computers. (column 6, lines 50-65, specifically line 50)

Regarding claim 15, Ebata discloses the method of claim 11 further comprising:

causing the intermediary server to issue a remote procedure call to the data server over the established channel to initiate the transport of data. (column 8, lines 28-62, specifically lines 39-40; column 14, lines 7-12; column 16, lines 5-9)

Regarding claim 16, Ebata discloses the method of claim 11 further comprising: causing the data server issue a remote procedure call to the intermediary server over the established channel to initiate the formatting and delivery of the database content using the data obtained from the data server. (column 8, lines 28-62, specifically lines 39-40; column 14, lines 7-12; column 16, lines 5-9)

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Regarding claim 17, Ebata discloses the method of claim 11 further comprising:

supplying a network address of the intermediary server to the client applications by dynamically selecting a particular intermediary server from amongst a plurality of intermediary servers. (column 4, lines 34-56, specifically lines 49-56)

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C. Neurauter, Jr. whose telephone number is (571) 272-3918. The

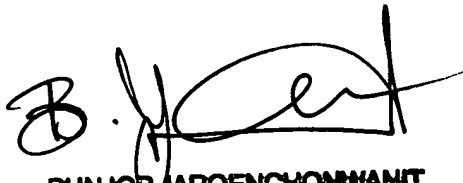
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examiner can normally be reached on Monday through Friday from 9AM to 5:30PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gcn



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PRIMARY EXAMINER